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UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

MYRNA I. JOHNSON, )  
                          )  
Plaintiff,            )  
                          )  
v.                    )  
                          )  
FRED MEYER STORES, INC., )  
a Delaware corporation; )  
and JAIME SAN MIGUEL, )  
                          )  
Defendants.            )  
\_\_\_\_\_

Case No. J04-008 CV (JKS)

VIDEOTAPED DEPOSITION OF JOHNNA HAVARD

Pages 1 through 115, Inclusive

Taken: Wednesday, January 25, 2006

Place: Juneau, Alaska

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<p>1                   MR. CHOATE: I'm sorry. I did.    2 Let me rephrase that. Strike that.    3 BY MR. CHOATE:    4                   Q. During the time that you were working    5 in the Juneau store that two weeks in March, were    6 there problems with recoveries in the evenings?    7                   A. I didn't think there was a problem.    8 There is always, I mean, little things. But it    9 wasn't like a major -- a major problem. I mean, it    10 was something that could be worked out. But it    11 wasn't like major problems.    12                  Q. All right. Did Mr. San Miguel talk to    13 you at all about the assistant manager who was gone    14 on vacation?    15                  A. Uh-huh.    16                  Q. And what did he say about her?    17                  A. Basically, that she wasn't doing the    18 job she needed to do or she had to do. He didn't    19 really go in -- he didn't really go into detail,    20 you know, what, to me, anyway, what she was    21 supposed to do at that time. He just said in    22 general, you know, "She's not doing what I asked    23 her to do."    24                  Q. And did he say that before she returned    25 from vacation?</p>	<p>1                  Q. Okay.    2                  A. I mean, if -- it wasn't like Myrna --    3 it wasn't just her that, you know he complained    4 about recoveries. It was other -- other people.    5 Like even myself. He complained about my    6 recoveries too.    7                  Q. Okay. Mr. San Miguel did?    8                  A. Uh-huh.    9                  Q. Okay. Now, during -- were you supposed    10 to fly back to Fairbanks, like, on the weekend of    11 March 16?    12                 A. I was.    13                 Q. Okay.    14                 A. And then they couldn't -- because we    15 were stuck in, like, Cordova or Yakutat. And they    16 said, "Well, we are either going to sit here and    17 wait it out, or you guys can fly back to Juneau."    18                 So I was like, well, I'll just fly    19 back to Juneau and then work some more hours. And    20 I did. So I just got back and said, "What do you    21 want me to do?"    22                 Q. Okay.    23                 A. And then continued to do the same    24 project that I had done before.    25                 Q. Okay. And what was that, if you</p>
<p>Page 15</p> <p>1                  A. At one point, yes. Uh-huh.    2                  Q. Okay. When she returned from vacation,    3 do you know that woman was Myrna Johnson?    4                  A. Yes. I found out who she was.    5                  Q. Okay. And when she returned, do you    6 recall what shifts she was assigned?    7                  A. Closings.    8                  Q. And you continued to work days?    9                  A. Yes.    10                 Q. Okay. And did Mr. San Miguel complain    11 about recoveries during her closings, when she    12 closed?    13                 A. Uh-huh. Yeah.    14                 Q. Okay. And did you have an opportunity    15 to look at the store during that time period in    16 terms of the quality of recovery?    17                 A. Yeah. Well, when I was going around    18 training the other department managers on what to    19 do. I mean, like I said, it wasn't like -- it    20 wasn't major stuff. I mean, it was minor. But it    21 wasn't -- to me, it wasn't really an issue.    22                 Q. Were the recoveries when Ms. Johnson    23 came in any different than the recoveries before,    24 when she was on vacation?    25                 A. They weren't different, no.</p>	<p>Page 17</p> <p>1 recall?    2                 A. The seasonal layouts. I wasn't able to    3 finish all the departments, but I did finish the    4 majority of them.    5                 Q. Now, when -- during the time period    6 that you worked temporarily at the store those    7 first two weeks in March at the Juneau store, did    8 Mr. San Miguel ever indicate to you that there    9 might be an opening coming up for first assistant?    10                A. Uh-huh. Him and Fred Sayre.    11                Q. They both said that?    12                A. Uh-huh.    13                Q. Okay. And was that before Ms. Johnson    14 returned from vacation, or after she was back from    15 vacation?    16                A. Before.    17                Q. Okay. What did Mr. Sayre tell you in    18 that regard?    19                A. Basically, he said, you know, if a    20 position came open, he was happy to have me come    21 down there. I mean, he thought I did an    22 outstanding job while I was there, and he'd be    23 happy to have me on his team.    24                <b>MJ Exhibit 36</b> that gave the    25 impression that there was potentially an opening?</p>

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<p>1 A. That there was going to be, yeah.  2 MR. DICKENS: I want to object  3 belatedly. She answered too quickly. I'm going to  4 object to the question. It calls for speculation.  5 Go ahead.  6 Q. Now, you returned from the -- you  7 couldn't get to Fairbanks.  8 A. Uh-huh.  9 Q. You came back to the store. Do you  10 recall seeing Myrna Johnson when you came back to  11 the store?  12 A. I did.  13 Q. Okay. And in what context did you see  14 her?  15 A. She was crying. And she was in the  16 stockroom talking to Monica Batsch and Rhonda Cox  17 and Sohka Chan.  18 Q. Okay.  19 A. And she was crying. And then I asked,  20 you know, "What's going on? What's going on?" And  21 then Monica shook her head. She goes, "Jaime,  22 Jaime." And then I'm not -- I don't recall what  23 they discussed. And then -- and then she ran out,  24 and then she -- I guess that's when she walked off  25 the job, or that's -- I mean, what Fred Meyer's</p>		<p>1 Q. Okay. And was that part of your --  2 sort of your career path?  3 A. Uh-huh. Oh, yeah. Definitely one  4 step.  5 Q. Because then you'd be -- you would be a  6 full-time first assistant?  7 A. Yeah, one step closer.  8 Q. All right. And did Mr. San Miguel  9 indicate that there were other people applying for  10 the position?  11 A. He had said there was one more other  12 person, but I don't recall who. But, I mean,  13 that's all I was told.  14 Q. All right. And did you have to go  15 through a formal interview for the job?  16 A. Not really. Because him -- not just  17 Jaime, but Fred Sayre also said that -- I mean, "We  18 already saw you work down here. We know how you  19 are. We know your work performance." And then,  20 basically, that was it. It was like I was handed  21 the job.  22 Q. Okay. And how soon after that did you  23 come to Juneau to work?  24 A. Oh, maybe less than a month, because I  25 think I -- I gave my landlord the notice and told</p>
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<p>1 called it.  2 Q. Okay. Now, how much longer did you  3 stay in Juneau and work in a temporary position  4 before returning to Fairbanks?  5 A. Another week or two. I can't recall  6 how long it was, but it felt -- I think it was  7 about another week or two. I mean, it was a while.  8 Q. Okay. Did you -- during that week or  9 two, did you see any changes or differences in the  10 recoveries in the evenings, as contrasted with when  11 Ms. Johnson was doing recoveries?  12 A. It was the same as it was before.  13 Q. Okay. Now, when you got back to  14 Fairbanks, did you learn somehow that there was a  15 job opening for first assistant in Juneau?  16 A. I was called.  17 Q. Okay. Who called you?  18 A. Jaime.  19 Q. Okay. So Mr. San Miguel called you?  20 A. Uh-huh.  21 Q. And what did he say?  22 A. He asked me if I was -- if I wanted to  23 come down to that store and work as an assistant.  24 Q. And what did you say?  25 A. I said, "Yeah. Sure. I'd love to."</p>		<p>1 them it was a career move. And they -- I mean,  2 they didn't penalize me for breaking my lease. And  3 then I was out that quick.  4 Q. Okay.  5 A. Fred Meyer's came. I mean, I didn't  6 have, really, time to pack up all my stuff. But I  7 packed it up as much as I could, and the other  8 people came over, the movers came over and got what  9 they could, and then shipped everything.  10 Q. After -- once you got down here to  11 Juneau, did you start working as a first assistant?  12 A. Uh-huh.  13 Q. Okay. And did you continue working day  14 shifts, during the days?  15 A. For a while. Uh-huh.  16 Q. Okay. And how did it go?  17 A. It went great.  18 Q. What did you like about the job?  19 A. I liked that I was able to come from --  20 I mean, I came from two new stores, and then I'm  21 going to an old store, so that was definitely a  22 challenge for me. I enjoyed a challenge. And then  23 training new people, because we moved a lot of  24 people up from regular people Page 8 of 87  25 and then we got a couple new fourth -- like a</p>

<p style="text-align: right;">Page 26</p> <p>1 A. Jeff Smith.    2 Q. Okay. And when did you become engaged    3 to him?    4 A. Oh, goodness.    5 Q. Approximately?    6 A. It was so long ago. 2002 -- three or    7 four months -- it was, like, after he had moved out    8 of the department, then that's when I became -- we    9 were engaged. It was well after -- when he was out    10 of the department.    11 Q. Okay. Well, let me say before you    12 became engaged to Mr. San Miguel -- strike that.    13 Before you became engaged to    14 Mr. Smith, were there complaints -- did    15 Mr. San Miguel complain about the quality of your    16 recoveries?    17 A. Yeah.    18 Q. Okay. Was there a change after you    19 became engaged?    20 A. In -- a change in how he treated me?    21 Q. Yes.    22 A. Yes, there was.    23 Q. Okay. What was the change?    24 A. Like I said, anything I did wasn't done    25 right or wasn't done good enough or up to his</p>	<p>1 to why you were suddenly being treated in a much    2 more critical fashion?    3 MR. DICKENS: Object to the form    4 of the question.    5 A. Yes.    6 Q. Okay. And what was that?    7 MR. DICKENS: Same objection. Go    8 ahead.    9 A. Well, I felt that because I was    10 engaged, then he was treating me differently.    11 Q. Okay. And why would your engagement    12 cause your supervisor to treat you differently?    13 MR. DICKENS: Same objection.    14 Calls for speculation.    15 A. I mean, I don't know. I mean, I don't    16 think that he "liked me," liked me. I mean, I    17 don't know if -- but I felt just because I was    18 taken, that -- or I was engaged, then that was an    19 issue. You know, maybe he was -- I don't know if    20 he didn't like that or what. But . . .    21 Q. Okay. Now, had Mr. San Miguel been    22 sending you lots of Office Vision e-mails, before    23 you became engaged, critical of your management    24 practices?    25 A. Huh-uh. No. It was --</p>
<p style="text-align: right;">Page 27</p> <p>1 expectations, I guess, of what an apparel assistant    2 manager should do, when I thought I was    3 performing -- or getting better in the position I    4 was in.    5 There was, I mean, just e-mails    6 back and forth, either that or, you know, he'd    7 either argue about maybe something that was going    8 on on the floor. You know, he wanted it done this    9 way. I thought it maybe should have been this way.    10 Q. Did --    11 A. You know, stuff like that, or . . .    12 Q. Was there a difference in the quality    13 of your work?    14 A. From when?    15 Q. Was there anything happening in the    16 quality of your work which would cause Mr. -- to    17 your knowledge, cause Mr. San Miguel to suddenly    18 become much more critical of you?    19 A. No, I don't think there was a    20 difference at all.    21 Q. When you were trying to assess --    22 A. I was trying to do better.    23 Q. Okay. When you were trying to assess    24 what was going on, what was happening, did you have    25 any -- did you sort of reach an internal opinion as</p>	<p>1 Q. Is that a yes or no?    2 A. No. It was fine before.    3 Q. Okay.    4 A. Like there wasn't a lot of e-mails. It    5 was more we were communicating like managers should    6 communicate.    7 Q. After you became engaged, did that    8 practice change?    9 A. Yes.    10 Q. Okay. And how did it change?    11 A. I constantly got Office Visions saying    12 that things weren't done right. How come you    13 didn't stay later? How come you -- I mean, just --    14 I'm sorry. I can't pinpoint exactly what, but    15 that's what -- I mean, that's what happened. And    16 then he didn't think that I was doing my job when I    17 thought I was still doing my job. So . . .    18 Q. Were you motivated to do a good job?    19 A. Oh, all the time.    20 Q. Okay. And did you make -- did you do    21 the best job you possibly could?    22 A. I did.    23 Q. Okay. Now, as a result of these    24 criticisms by Mr. San Miguel, did that change your    25 employment relationship with Fred Meyer?</p>

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<p>1 A. It did.    2 Q. And how did it end up changing it?    3 A. I had to switch my career because of    4 it.    5 Q. Why is that?    6 A. I mean, I'd go home crying because    7 of -- I felt like I wasn't -- I wasn't good enough    8 for my job, because of the way he treated me. And    9 anything that I would say to him or Dennis Affleck    10 or Fred Sayre was just swept under the rug, swept    11 under the rug, swept under the rug. And I was    12 tired of it.    13 I was like, why aren't they    14 listening to me? Why can't we resolve these    15 problems? I mean, yeah, they said, "Well, we    16 resolved the problem. We already resolved the    17 issue." And, like, to me, it wasn't resolved yet,    18 because it was still going on. Things were still    19 going on.    20 Q. And in your prior experience working at    21 Fred Meyer, had you ever had a situation like that?    22 A. No.    23 Q. In your prior --    24 A. I never went home crying because of my    25 job. You know, and I never -- I never wanted to</p>		<p>1 Q. Okay.    2 A. And it was the same. It was like, "You    3 are not doing this right. How come you are not    4 doing this? I told you to do this." You know, it    5 was just -- it was consistent. And I was just -- I    6 had enough.    7 Q. Now, you also complained of this    8 conduct to Dennis Affleck?    9 A. Uh-huh.    10 Q. And what was his response?    11 A. He just said, "Johnna, you and Jaime    12 need to get along. And, basically, he didn't -- it    13 was like he didn't hear anything I was -- I said.    14 I said -- well, you know, I basically told him that    15 the assistant manager and the manager should be    16 working together. He should be on the floor more,    17 helping me out, or -- I mean, not writing me up for    18 things I didn't agree with. It was just -- it was    19 things that -- I mean, I wouldn't -- I didn't    20 normally do in my work history. I mean, it was    21 just -- it was nonsense.    22 And, I mean, I was crying to    23 Dennis Affleck. I remember when I was telling him.    24 I said, "I really do enjoy my job. I love what I    25 do," but it was really stressful for me at the time</p>
<p>Page 31</p> <p>1 change my career. So, I mean -- I mean, I had to    2 take a pay cut because of it, and I became in debt,    3 and I had to move.    4 Q. Okay. Now, explain to me the reasons    5 why you transferred out of apparel.    6 A. Because of Jaime San Miguel.    7 Q. Okay. And because of his treatment of    8 you?    9 A. Yes.    10 Q. Okay. And when you complained about    11 his treatment to Fred Sayre, what did Fred Sayre    12 do?    13 A. He didn't think it was an issue,    14 because him and Jaime were -- I don't know if they    15 were good friends or what, but I know they did    16 things off-schedule from what I heard -- bowling,    17 softball, things like that. And that's just what I    18 heard. Again, I don't know if it's true.    19 But it wasn't -- I mean, Jaime and    20 Fred and I, we would have, I guess, discussions and    21 talks about either my -- my feelings and my    22 opinions of what was going on, or either the issue    23 at the time. And, to me, the issue would still    24 then happen a month later or weeks later. It would    25 still keep recurring.</p>		<p>Page 33</p> <p>1 to be in the situation with Jaime, because Jaime is    2 either not appreciating the work that I did do, or    3 taking credit for things that I did, even when    4 corporate people were there.    5 Q. Such as?    6 A. And putting the blame on -- such as --    7 I can give you a good -- an example that I can    8 think of.    9 Q. Okay.    10 A. I came down -- let's see. When I got    11 down here, we decided to switch the department, the    12 children's department over, and it was a good move    13 because it made more sense. And we put like -- I    14 think it was the girls department then the boys,    15 and then -- it was like toddlers. It was like it    16 was totally swapped. But it went up from 60 to    17 80 percent increases than what it had before.    18 Q. Increases in sales?    19 A. Increases in sales, yes. And you could    20 see that. And --    21 Q. And whose idea was that?    22 A. That was my idea. And then, of course,    23 when the buyers came -- and I wasn't there because    24 I was on a different schedule than they were.    25 But some other employees were saying that he</p>

<p>1 took credit for all of that.</p> <p>2 Q. And he didn't indicate that you had</p> <p>3 been responsible or participated in that?</p> <p>4 A. No.</p> <p>5 Q. Did that upset you?</p> <p>6 A. Oh, very much. It was -- I was very</p> <p>7 upset about it.</p> <p>8 Q. Now, when did you switch from apparel</p> <p>9 to another department at Fred Meyer?</p> <p>10 A. About a year. I guess when I could get</p> <p>11 over there, but the manager over there, he actually</p> <p>12 he came and got me.</p> <p>13 Q. And who was that?</p> <p>14 A. Bill Ledoux.</p> <p>15 Q. And when you made the switch, it</p> <p>16 actually cost you money?</p> <p>17 A. It did. It hurt me. I took a \$5 pay</p> <p>18 cut. And then, of course, I couldn't do all my</p> <p>19 bills, so I became in debt. I had to tell my</p> <p>20 parents I became in debt and moved back home. And</p> <p>21 that was about a year after being in jewelry. I</p> <p>22 just couldn't afford it anymore.</p> <p>23 Q. Now, you have previously signed an</p> <p>24 affidavit dated February 12, 2004. It is marked as</p> <p>25 Exhibit 31 to our depositions.</p>	<p>Page 34</p> <p>1 were 25?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Now you are --</p> <p>4 A. -- 27.</p> <p>5 Q. -- 27.</p> <p>6 A. Uh-huh.</p> <p>7 Q. And your mailing address was 3330</p> <p>8 Nowell Avenue. That's changed, right?</p> <p>9 A. Oh, yeah.</p> <p>10 Q. Okay. And then, again, it says that</p> <p>11 you began working for Fred Meyer in Fairbanks on</p> <p>12 September 2nd, 1999, as a fourth in charge, a</p> <p>13 management position.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Is that true?</p> <p>16 A. It is.</p> <p>17 Q. And during the five years you worked</p> <p>18 for Fred Meyer, you also worked in Wasilla and in</p> <p>19 Juneau; is that right?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Okay. You received several promotions,</p> <p>22 and in January of 2002, was working as the second</p> <p>23 assistant in the Wasilla store; is that right?</p> <p>24 A. Well, third.</p> <p>25 Q. Third assistant?</p>	<p>Page 36</p>
<p>Page 35</p> <p>1 Do you recall reading and signing</p> <p>2 this affidavit?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Okay. And is it true and correct, to</p> <p>5 the best of your knowledge and ability?</p> <p>6 A. It is.</p> <p>7 Q. Okay. Can you tell me the</p> <p>8 circumstances in which you were first contacted to</p> <p>9 have an affidavit prepared and signed?</p> <p>10 A. Let's see. Who -- I think Myrna's</p> <p>11 first lawyer actually talked to me, and then they</p> <p>12 didn't really -- it gave me -- they gave me an</p> <p>13 option to do it. I then took -- I mean, I</p> <p>14 thought -- I thought a lot about it, and I said,</p> <p>15 "Yeah, I'm going to go ahead and do this."</p> <p>16 Q. Okay. Why did you agree to sign an</p> <p>17 affidavit?</p> <p>18 A. Because of the stuff that I went</p> <p>19 through was pretty much -- well, sounding from what</p> <p>20 she went through, it was kind of similar.</p> <p>21 Q. Okay. Now, going through this</p> <p>22 affidavit, when you signed it, this would have been</p> <p>23 back -- again, about almost two years ago?</p> <p>24 A. Uh-huh.</p> <p>25 Q. February 12, 2004. At the time you</p>	<p>Page 35</p> <p>1 A. I guess it would have been third, not</p> <p>2 second.</p> <p>3 Q. Okay. The position is called a "relief</p> <p>4 assistant"?</p> <p>5 A. Uh-huh.</p> <p>6 Q. All right. In February 2002, you</p> <p>7 learned from Dennis Affleck, the district manager,</p> <p>8 that there was a temporary first position open in</p> <p>9 Juneau?</p> <p>10 A. Uh-huh.</p> <p>11 Q. He recommended you take it in order to</p> <p>12 get more managerial experience?</p> <p>13 A. Uh-huh. Yup. That is right.</p> <p>14 Q. And you agreed to do that?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Okay. Began working on March 1 in</p> <p>17 Juneau as a temporary first assistant, and you</p> <p>18 learned at that time you were replacing Myrna</p> <p>19 Johnson, who was on a leave of absence; is that</p> <p>20 right.</p> <p>21 A. Uh-huh. Just -- yeah. It was</p> <p>22 temporary.</p> <p>23 Q. Okay. And throughout the time you were</p> <p>24 working as a <b>ML Exhibit 36</b> first assistant, you were</p> <p>25 supervised by Jaime San Miguel, an Hispanic male?</p>	<p>Page 37</p>

<p>Page 38</p> <p>1 A. Uh-huh.      2 Q. Is that right?      3 A. Yeah.      4 Q. Okay. You enjoyed living and working      5 in Juneau during that month in the temporary      6 position, and you mentioned to Mr. San Miguel that      7 you'd be willing to move to Juneau if the first      8 assistant position ever became available; is that      9 right?      10 A. Uh-huh.      11 Q. And just to reiterate, you were      12 informed by both Mr. San Miguel and Mr. Sayre      13 before Ms. Johnson returned from vacation --      14 A. Uh-huh.      15 Q. -- that they thought the first      16 assistant position was going to become open?      17 MR. DICKENS: Objection. That      18 misstates her testimony.      19 Go ahead.      20 Q. Is that what you were told by them?      21 A. Uh-huh.      22 Q. You got to say yes or no?      23 A. That is correct. That is correct.      24 Q. Okay. That is correct? Okay.      25 Ms. Johnson returned from her</p>	<p>Page 40</p> <p>1 Q. While you were working as a temporary      2 first assistant in the Juneau store, it was obvious      3 from conversations with other employees that Myrna      4 Johnson was well-liked by her coworkers, that her      5 subordinates thought highly of her, and that she      6 was a hard worker. Is that correct?      7 A. Yeah, that is correct.      8 Q. Okay. And that's just what you learned      9 from talking to other employees there at Fred      10 Meyer?      11 A. Yeah. Oh, yeah.      12 Q. Did you ever have the opportunity to      13 observe any of Ms. Johnson's work?      14 A. I did.      15 Q. Okay. And how did you have that      16 opportunity?      17 A. She was -- she kept -- she kept on the      18 job, and she was -- she would do the assigned tasks      19 that were given to her.      20 Q. Okay. And how do you know she did the      21 assigned tasks that were given to her?      22 A. We were given a daily -- a daily tour      23 by the manager or the second in charge, but Jaime      24 was still writing them. And then we highlight and      25 then sign off on it or initial it.</p>
<p>Page 39</p> <p>1 leave of absence in mid-March of 2002. You worked      2 for about one week with her on the same schedule,      3 with -- you were working day shifts and she was      4 working the evening shift; is that right?      5 A. That is correct.      6 Q. Okay. On March 18th, Mr. San Miguel      7 informed you that Myrna Johnson was no longer      8 working at the Juneau store, and that her job was      9 being posted; is that right?      10 A. That is correct.      11 Q. And you were encouraged by      12 Mr. San Miguel and Mr. Sayre to apply for that job?      13 A. Correct.      14 Q. Did they encourage you to do that while      15 you were here in Juneau or once you got back to --      16 up north?      17 A. While I was here in Juneau.      18 Q. Okay. You returned to the Wasilla      19 store, and is that where you were called by      20 Mr. San Miguel?      21 A. Yes.      22 Q. You were offered the first assistant      23 position. You relocated to Juneau on April 17,      24 2002; is that correct?      25 A. Yeah. That's correct.</p>	<p>Page 41</p> <p>1 Q. Okay. So on the daily tours, during      2 the week that you and Myrna Johnson were working at      3 Fred Meyer in Juneau, you could see that she was      4 highlighting and signing off on the daily tour?      5 A. Yeah. Uh-huh. She still did that.      6 Q. Okay. Were you ever told by two female      7 employees that Mr. San Miguel had said he wanted to      8 replace Myrna Johnson with a younger and more      9 beautiful employee?      10 A. I was told, but that was just hearsay.      11 Q. Right. Okay. It says here you were      12 not surprised by this comment as you personally      13 observed Mr. San Miguel -- that Mr. San Miguel      14 favored younger female employees in comparison to      15 his treatment of older women who worked in the      16 Juneau store. Is that correct?      17 A. Yes. Uh-huh.      18 Q. Okay. And what observations did you      19 have in that regard?      20 A. I would -- I'd be talking to Jaime      21 about either something on the floor -- we'd be      22 standing in the aisle, and then a pretty young lady      23 would walk by, and he would just watch her. And      24 I'd try to focus with <b>ML Exhibit 36</b> <b>Page 7 of 37</b>      25 conversation or try and get his attention.</p>

Page 42	<p>1 Q. Was it obvious?  2 A. Uh-huh. Oh, yeah.  3 Q. Okay.  4 A. It was very obvious.  5 Q. And how many times did that occur while  6 you were working with him?  7 A. Every time a young lady would walk by.  8 I mean, I can't give you a number, but . . .  9 Q. Okay. Did you ever see him treat  10 younger workers, female workers, at Fred Meyer  11 differently than older female workers?  12 A. Yeah. Like we had this -- I can give  13 you an example. There was a younger gal from high  14 school. She would wear not -- not appropriate  15 things for, you know, what we were asking for that  16 was in the job description of what she should wear.  17 But it was like Jaime didn't do anything about it.  18 So he still asked me to go talk to her, you know.  19 So I went and talked to her. And still -- she  20 still wore the same stuff. And even the older  21 employees would come and complain to me. They'd  22 say, "Well, why is she getting away with this? How  23 come she can wear this? Why is she -- you know,  24 she shouldn't be wearing that stuff."  25 You know, especially if she --</p>	<p>1 Yeah. Great. Then we'll have somebody else do  2 it."  3 Well, Minerva still never  4 completed it. Actually, who did it was -- I  5 completed it because it didn't get done by Myrna or  6 Minerva. But it could have been Myrna maybe had a  7 short staff that day or whatever. But then Minerva  8 Cortez still never -- she never completed it  9 either, but she never got reprimanded for it  10 either.  11 Q. Okay. Now, in terms of completing the  12 plan-o-gram, how do you know that you did it and  13 not Mr. San Miguel?  14 A. You mean like --  15 Q. Do you have an actual memory of  16 completing it?  17 A. Oh, yeah. I physically worked that  18 whole counter.  19 Q. Did Mr. San Miguel do it with you or  20 help you with it?  21 A. No. Huh-uh.  22 Q. Did Mr. San Miguel ever invite you to  23 come over to his house to do some Latin dancing?  24 A. Yes.  25 Q. Okay. Can you describe how that</p>
Page 43	<p>1 like a short skirt. She bends over -- I mean,  2 other customers can see it, you know, or even just  3 like her top. I can't recall what her name or -- I  4 mean, you'll have to excuse me. I haven't lived  5 here for a while, and I forgot some people's names.  6 But I do recall that.  7 And there was a time when a  8 customer did complain about that individual wearing  9 those things, and nothing was -- never resolved.  10 Q. Do you know if those complaints were  11 forwarded to Mr. San Miguel?  12 A. I'm -- I honestly can't remember.  13 Q. Okay. You say here at 18, paragraph 18  14 or No. 18 in your affidavit, "I subsequently  15 learned that Myrna Johnson was being written up.  16 What she was being written up for was completion of  17 a plan-o-gram, also called a schematic, in the baby  18 furniture department. I was very surprised to hear  19 this since Minerva Cortez, not Myrna Johnson, was  20 responsible for that task."  21 How did you know that?  22 A. He had discussed with me that Myrna had  23 the same plan-o-gram, and then they were like,  24 "Well, what we do is have Minerva finish it because  25 Minerva comes in at night." I said, "Oh, okay.</p>	<p>1 occurred?  2 A. I was shopping -- it was either a break  3 or a lunch time -- in the home electronics  4 department. And I asked him about a song, if he  5 knew of, because my friends were DJ-ing down at the  6 Viking on a Latin night. And I asked him about a  7 song. He didn't know the song. He said, "Oh,  8 well" -- he's like, "You can come over to my house,  9 and we can do some Latin dancing." And I was like,  10 "Oh, I don't think so."  11 Q. What did you feel about that?  12 A. It was very inappropriate and not  13 professional.  14 Q. Okay. And did you give him any  15 indication that you were interested in going to his  16 home to do Latin dancing?  17 A. Oh, no.  18 Q. Approximately when would this have been  19 in terms of time after you started working at the  20 Juneau store?  21 A. Before I was engaged to Jeff Smith.  22 Q. Now, No. 20, you say, "I also noticed  23 that San Miguel behaved in a very flirtatious  24 manner, and in my view, an inappropriate manner,  25 with Felicia Kohnen" --</p>

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<p>1 A. Kohnen. Uh-huh.</p> <p>2 Q. -- "who was a KSP in the Juneau store."</p> <p>3 That's a human resources function?</p> <p>4 A. Uh-huh.</p> <p>5 Q. What did you observe in that regard?</p> <p>6 A. They flirted a lot. They went on</p> <p>7 breaks. They were in the office a lot. I would</p> <p>8 try to -- I would come in there trying to discuss</p> <p>9 either an issue on the floor or with employees or</p> <p>10 how we were going to do something or how he wanted</p> <p>11 me to do something. And sometimes it was hard for</p> <p>12 me to get his attention because he was flirting</p> <p>13 with Felicia.</p> <p>14 Q. Okay. Now, by "flirting," what do you</p> <p>15 mean?</p> <p>16 A. Sitting very close together doing</p> <p>17 paperwork. I mean, I don't know what they were</p> <p>18 doing, but sitting very close. Not how, I mean,</p> <p>19 close I would sit to a manager or coworker in the</p> <p>20 office.</p> <p>21 Q. Okay. And by "flirting," was that just</p> <p>22 in the context of the conversation or how they were</p> <p>23 acting --</p> <p>24 A. Oh, laughing, giggling.</p> <p>25 Q. Okay.</p>	<p>1 A. She did.</p> <p>2 Q. Okay. And was she ever reprimanded for</p> <p>3 that?</p> <p>4 A. No. She still came to work. And, to</p> <p>5 me, that meant she wasn't reprimanded. Because the</p> <p>6 way that Fred Meyer is set up is, if you don't</p> <p>7 show -- if you do a no-show, no-call, then you are</p> <p>8 terminated.</p> <p>9 Q. Was she terminated for that?</p> <p>10 A. No.</p> <p>11 Q. Okay. Is Ms. Cortez, to your</p> <p>12 knowledge, Hispanic?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. It says at 22, "On Myrna's last</p> <p>15 day in the Juneau store, I saw her crying in the</p> <p>16 stockroom and observed that she was very upset."</p> <p>17 Is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And, again, you don't know what</p> <p>20 she was upset about at that time, did you?</p> <p>21 A. No.</p> <p>22 Q. Okay. At 23, you say, "After Myrna's</p> <p>23 last day at work, San Miguel remarked that Myrna</p> <p>24 was not doing her job, but he didn't elaborate on</p> <p>25 that." Is that correct?</p>
Page 47	Page 49
<p>1 A. Yeah.</p> <p>2 Q. Okay. Now it also says in that</p> <p>3 paragraph, "I could not help but notice that</p> <p>4 San Miguel would eye attractive women who walked by</p> <p>5 him in the Juneau store." Is that part of what</p> <p>6 you've already talked about?</p> <p>7 A. Yeah, what I talked about previously.</p> <p>8 Q. Okay. You say, 21, "It also became</p> <p>9 obvious to me that San Miguel preferred Hispanic</p> <p>10 employees over Asian employees. For example" --</p> <p>11 A. I thought so. Like I said, there was,</p> <p>12 you know, people who -- that didn't get</p> <p>13 reprimanded, that I maybe thought should have</p> <p>14 either gotten spoken to or the issue resolved.</p> <p>15 Like Minerva Cortez, for example. She'd either</p> <p>16 done a lot of things, or she didn't do her job when</p> <p>17 she was closing. I mean, I had people come and</p> <p>18 talk to me and say, "Well, she's not showing up.</p> <p>19 How come she doesn't get reprimanded for it?" And</p> <p>20 I said, "Well, I have talked to Jaime about it,</p> <p>21 but, I mean, I have done what I could do."</p> <p>22 Q. Did Ms. Minerva Cortez have a pattern</p> <p>23 of not showing up for work?</p> <p>24 A. In the short time I was there?</p> <p>25 Q. Yes.</p>	<p>1 A. That was correct.</p> <p>2 Q. At 24, you say Mr. San Miguel</p> <p>3 repeatedly asked you to "fix him up with dates or</p> <p>4 with hot women." Is that true?</p> <p>5 A. That is correct.</p> <p>6 Q. How often did that occur?</p> <p>7 A. One time it happened upstairs in the</p> <p>8 office.</p> <p>9 Q. What did he say?</p> <p>10 A. And he said, "Oh, Johnna, do you have</p> <p>11 any hot friends that are single and you can set me</p> <p>12 up with?" When he was dating Kaylonna -- I don't</p> <p>13 know Kaylonna's last name.</p> <p>14 Q. Is that Kaylonna Haase?</p> <p>15 A. Yes, his girlfriend. And then another</p> <p>16 time was down by the -- the fitting room.</p> <p>17 Q. Okay. And what did you think about</p> <p>18 that?</p> <p>19 A. I thought it was very inappropriate.</p> <p>20 Q. Okay. Did you ever set him up with</p> <p>21 dates or give him names of hot women?</p> <p>22 A. No.</p> <p>23 Q. Okay. Were you ever -- at 25, you</p> <p>24 indicate <b>ME Exhibiting 36</b> 2002, that the Myrna</p> <p>25 Johnson was servicing a Foster Grant exhibit as a</p>

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<p>1 vendor --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- at the store, that Mr. San Miguel</p> <p>4 informed you to tell her -- or instructed you to</p> <p>5 tell her that she was not to service the account</p> <p>6 unless he was present in the Juneau store?</p> <p>7 A. That is correct.</p> <p>8 Q. Okay. And do you recall exactly how</p> <p>9 that went about or how it happened?</p> <p>10 A. She was -- she would do a reset or</p> <p>11 something on the sunglasses, or fill them up, or --</p> <p>12 but she also did, I think, the furniture. She also</p> <p>13 was the vendor for that as well.</p> <p>14 And I don't know if it was because</p> <p>15 of the thing they had there, that it was just out</p> <p>16 of anger. He said that she was not to come in</p> <p>17 the -- because he said that -- "Just let her know</p> <p>18 she's not supposed to come here unless I'm here."</p> <p>19 And I have been a vendor before,</p> <p>20 and all you have to do is get a manager to sign off</p> <p>21 on it, that you were there, and then you send your</p> <p>22 time sheet in.</p> <p>23 Q. Did you have any reason or any</p> <p>24 knowledge as to why Mr. San Miguel would have</p> <p>25 placed that restriction on Myrna Johnson's access</p>		<p>1 Q. Okay. Was there anything in your life</p> <p>2 that -- when you got engaged, was there anything</p> <p>3 that caused you to work less hours?</p> <p>4 A. No. I worked -- I still worked more</p> <p>5 hours if needed.</p> <p>6 Q. Okay. Was there anything that would</p> <p>7 cause you to be distracted, to where you would not</p> <p>8 have done the same quality of job that you did</p> <p>9 before you became engaged?</p> <p>10 A. I wasn't -- I wasn't distracted at all.</p> <p>11 Q. Okay. Were you still as motivated to</p> <p>12 become --</p> <p>13 A. Oh, yeah.</p> <p>14 Q. -- to rise in the management chain?</p> <p>15 A. Still driven.</p> <p>16 Q. Still driven?</p> <p>17 A. Uh-huh.</p> <p>18 Q. That's how you describe yourself,</p> <p>19 right?</p> <p>20 A. Driven, yes.</p> <p>21 Q. After you were engaged, were you</p> <p>22 rescheduled to a less favorable evening shift?</p> <p>23 A. I was. I was actually given the</p> <p>24 closings and the graveyards, and I had to train the</p> <p>25 graveyard crew. Sometimes I wouldn't have a crew</p>
<p>Page 51</p> <p>1 to the store as a vendor?</p> <p>2 A. I think just because of the way it</p> <p>3 ended with their -- the work issue or the</p> <p>4 relationship that happened.</p> <p>5 Q. Okay. Do you recall ever seeing</p> <p>6 Ms. Johnson servicing that account after that?</p> <p>7 A. I don't. I saw somebody else.</p> <p>8 Q. Okay. It says, at 28, Mr. San Miguel</p> <p>9 remained your supervisor until April of 2003?</p> <p>10 A. Uh-huh.</p> <p>11 Q. However, your working relationship</p> <p>12 began to deteriorate seriously after you became</p> <p>13 engaged to a coworker in the summer of 2002.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Is that correct?</p> <p>16 A. It is.</p> <p>17 Q. Okay. It says at 29, he began to</p> <p>18 criticize your work after you got engaged. "I felt</p> <p>19 the criticism of my work after my engagement was</p> <p>20 utterly unfounded as the quality and quantity of my</p> <p>21 work had not changed."</p> <p>22 A. Huh-uh.</p> <p>23 Q. "I personally believe that jealousy,</p> <p>24 not work performance, prompted those actions."</p> <p>25 A. That is correct.</p>		<p>Page 53</p> <p>1 to train because he didn't hire anybody.</p> <p>2 Q. So what did that mean in terms of your</p> <p>3 work?</p> <p>4 A. My work load became more because either</p> <p>5 I didn't have a crew to support me -- sometimes I</p> <p>6 might have had one person on graveyard to get the</p> <p>7 job done, and it was a new employee. And when you</p> <p>8 have a new employee, well, you have to train them.</p> <p>9 You got to walk them through everything, and you</p> <p>10 still got to do the job that you're supposed to do</p> <p>11 and still try and, you know, do the other people's</p> <p>12 job that weren't there.</p> <p>13 Q. Did you ever state or tell</p> <p>14 Mr. San Miguel that you thought you were being</p> <p>15 punished in some fashion for being given that</p> <p>16 shift?</p> <p>17 A. I did. I thought I was.</p> <p>18 Q. And what was his response?</p> <p>19 A. He, basically, was like "Tough." You</p> <p>20 know, that's what -- "I'm the manager. I make the</p> <p>21 schedule." I mean, he used that the term a lot.</p> <p>22 "I'm the manager. I'm the manager." It's like,</p> <p>23 well, I already know you are the manager. You</p> <p>24 don't have to tell me. You</p> <p>25 So I did feel like I was being</p> <p><b>ME Exhibit 86 Page 10 of 37</b></p>

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<p>1 punished. I don't -- I didn't really understand    2 why because I thought either the issue of -- you    3 know, yes, I did date an employee. I felt that was    4 pushed behind us, and he said it too. But I still    5 felt like I was being punished the whole time.    6 Q. Now, graveyards would be what -- what    7 time period?    8 A. About ten-to-eights, or    9 Q. 10:00 p.m. --    10 A. 10:00 p.m. to, like, 8:00 a.m. or even    11 7:30, because you just take a half hour lunch.    12 Managers, of course, have to work, like, an extra    13 hour, usually. That's just how they do it at Fred    14 Meyer's. And sometimes I would work longer than    15 that.    16 Q. It says that when he put you on the    17 less favorable evening shift, he would give you a    18 long list of things that needed to be done which    19 could not possibly be completed during the shift.    20 Do you recall that?    21 A. I do. He would always say, you know,    22 "Here's the tour. You need to get these done."    23 And in the course of it, I didn't have time to get    24 them done, or just -- it's like he wouldn't    25 understand why I didn't get them done.</p>	<p>1 correct?    2 A. That is correct.    3 Q. At 32 in your affidavit, on page 6, you    4 said, "By late fall of 2002, I was sure that    5 San Miguel was trying to push me out of my job. He    6 even blamed me for incidents that happened on my    7 days off from work."    8 What do you mean by that?    9 A. Basically, like, I felt like they were    10 trying to set me up to where -- I was -- like I was    11 being pushed out of the job. Like I just -- there    12 was a time where something had to be done. I can't    13 really recall what it was, but we had -- we even    14 had those classes that Fred Meyer sends people up.    15 They do training and whatnot. And then we go to    16 those classes for the day.    17 And then there was one time when I    18 was off work, and another employee that was from    19 the Fairbanks store had come up here to work and    20 said that, "Oh, Johnna is not doing her job," this    21 and that. It's like, how can I -- how is she    22 saying that when I haven't even been here? I mean,    23 I have been off. And he went and believed what    24 that girl said over what he actually saw, or my    25 work performance already.</p>
<p>1 Well, he either didn't take into    2 consideration that I might have had an employee    3 call in sick, or the employee then had to go do the    4 cashier, or another employee went home because of    5 something, or -- like no kids, no babysitters.    6 It's like you always have -- you    7 always have issues that resolve in the store, and    8 then you have to, then, do their job to still meet    9 the expectations of how it should look in the    10 morning, when customers come in.    11 Q. Okay. And given the time you had --    12 A. Uh-huh.    13 Q. -- did you do the very best job you    14 could?    15 A. I did.    16 Q. Okay. And had that job, before you got    17 engaged, always been acceptable?    18 A. It was acceptable before, yes.    19 Q. Okay. And now it wasn't?    20 A. No.    21 Q. Okay. At 31 in your affidavit, it    22 says, "San Miguel would then criticize me for not    23 completing all the items on his long list. On one    24 occasion, he told me I needed to work until 2 a.m.    25 to finish the tasks assigned to me." Is that</p>	<p>1 Q. Okay.    2 A. So I felt that was very unfair and very    3 frustrating.    4 Q. Okay. So did -- was it your experience    5 no matter what you did, it wasn't going to be good    6 enough at that point in time?    7 A. Yup.    8 Q. Okay.    9 A. That is correct.    10 Q. And how did that make you feel?    11 A. I was exhausted.    12 Q. Okay. Did you --    13 A. I was very -- I was sick of it.    14 Q. Now, at 33, you indicate in your    15 affidavit you complained about Mr. San Miguel's    16 conduct to Dennis Affleck. Is that right?    17 A. I did.    18 Q. And then at 34, you state that in    19 December of 2002, you were given, by San Miguel and    20 Fred Sayre, a written warning for leaving the job    21 when not completed.    22 A. Uh-huh.    23 Q. Okay. Can you explain what happened in    24 that situation?    25 A. What had happened was, I was working</p>

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<p>1 the graveyard shift as punishment?  2 MR. DICKENS: Objection. Calls  3 for speculation. It has nothing to do with the  4 issues in this lawsuit. This woman does not have a  5 claim in this case.  6 MR. CHOATE: You can have a  7 relevance objection, but I'd ask you not to make  8 speaking objections.  9 A. Okay. I'm sorry. This is all new to  10 me.  11 I don't really -- I mean, the way  12 it was, I thought it was a punishment, because I  13 did it for so long. I mean, at first, I was like,  14 okay, this is training. This is a time to actually  15 train some new employees. And we can get a lot  16 done at night. And you can, because there is no  17 customers. You can do a lot at night.  18 Then after a while, I was doing  19 graveyards for a long period of time, and I wasn't  20 getting the help that I needed to get the job done.  21 I went to Jaime about that, and still -- I mean, I  22 got -- as far as I can remember, I had two  23 employees that I did have on my crew. Then after  24 that, we didn't have any, because either they were  25 sick -- and then I was down with hardly anybody.</p>	<p>1 A. They say it was because of stress.  2 Q. Okay.  3 A. Stress-related.  4 Q. Now, at 42 in your affidavit on page  5 7 --  6 A. Uh-huh.  7 Q. -- it says -- when you'd send  8 e-mails -- previously you'd talked about sending  9 e-mails to a number of people that weren't  10 responded to. But it says at 42, "Ms. Lucas did  11 respond to my e-mail, and I informed Ms. Lucas that  12 Mr. San Miguel had issues with women, and that I  13 felt there was a pattern in his treatment of  14 various women, including myself and Ms. Johnson."  15 A. Uh-huh.  16 Q. What was Ms. Lucas' response to that?  17 A. I'm trying to recall. I can't  18 remember.  19 Q. Okay. Now, when you went to work, you  20 went to work over in what part of the store when  21 you left apparel?  22 A. Jewelry.  23 Q. Okay. And did you have any write-ups  24 while you worked in jewelry?  25 A. No.</p>
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<p>1 And then after that, I remember he  2 did put a few day people on the graveyards, and  3 then I had some help.  4 Q. Okay.  5 A. But I had to complain a lot to get  6 that.  7 Q. At 37 in your affidavit here, on page  8 6, it says, "After I complained about San Miguel's  9 conduct, he placed me on the graveyard shift which  10 ran from 10:00 a.m. to 7:30 p.m." Is that  11 incorrect? Is it actually 10:00 p.m. to 7:30 a.m.?  12 A. Yeah, that is incorrect.  13 Q. Okay. It's just the a.m. and p.m. is  14 reversed, right?  15 A. Yeah.  16 Q. Okay. At 38 it says, Mr. San Miguel's  17 harassment and retaliation began to take a toll on  18 my health. I was rushed to the hospital with chest  19 pains in December of 2002." Is that correct?  20 A. That is correct.  21 Q. And in December of 2002, how old were  22 you?  23 A. 23? 23.  24 Q. 23? Okay. And did you ever get a  25 diagnosis for those chest pains?</p>	<p>1 Q. Did you have any complaints regarding  2 your job performance in jewelry?  3 A. No.  4 Q. Okay. Had you ever had any complaints  5 about your job performance at any other location in  6 Fred Meyer?  7 A. No. There was just one write up that I  8 admit to.  9 Q. Okay. And what was that? One second.  10 Hold on.  11 (Cell phone ringing)  12 MR. DICKENS: I'm sorry. I  13 thought I turned it off.  14 MR. CHOATE: Do you need to get  15 that.  16 MR. DICKENS: It says "unknown  17 caller."  18 MR. CHOATE: Okay.  19 A. There was one write-up I had that I  20 admitted to.  21 BY MR. CHOATE:  22 Q. And what was that?  23 A. That -- of course, the dates aren't  24 right on there. It was New Page Five  25 Q. At what store?</p>

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1 A. At one point, yes. Uh-huh.

2 Q. Okay. When she returned from vacation,  
3 do you know that woman was Myrna Johnson?

4 A. Yes. I found out who she was.

5 Q. Okay. And when she returned, do you  
6 recall what shifts she was assigned?

7 A. Closings.

8 Q. And you continued to work days?

9 A. Yes.

10 Q. Okay. And did Mr. San Miguel complain  
11 about recoveries during her closings, when she  
12 closed?

13 A. Uh-huh. Yeah.

14 Q. Okay. And did you have an opportunity  
15 to look at the store during that time period in  
16 terms of the quality of recovery?

17 A. Yeah. Well, when I was going around  
18 training the other department managers on what to  
19 do. I mean, like I said, it wasn't like -- it  
20 wasn't major stuff. I mean, it was minor. But it  
21 wasn't -- to me, it wasn't really an issue.

22 Q. Were the recoveries when Ms. Johnson  
23 came in any different than the recoveries before,  
24 when she was on vacation?

25 A. They weren't different, no.

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1 called it.

2 Q. Okay. Now, how much longer did you  
3 stay in Juneau and work in a temporary position  
4 before returning to Fairbanks?

5 A. Another week or two. I can't recall  
6 how long it was, but it felt -- I think it was  
7 about another week or two. I mean, it was a while.

8 Q. Okay. Did you -- during that week or  
9 two, did you see any changes or differences in the  
10 recoveries in the evenings, as contrasted with when  
11 Ms. Johnson was doing recoveries?

12 A. It was the same as it was before.

13 Q. Okay. Now, when you got back to  
14 Fairbanks, did you learn somehow that there was a  
15 job opening for first assistant in Juneau?

16 A. I was called.

17 Q. Okay. Who called you?

18 A. Jaime.

19 Q. Okay. So Mr. San Miguel called you?

20 A. Uh-huh.

21 Q. And what did he say?

22 A. He asked me if I was -- if I wanted to  
23 come down to that store and work as an assistant.

24 Q. And what did you say?

25 A. I said, "Yeah. Sure. I'd love to."

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1 Q. Okay. And was that part of your --  
2 sort of your career path?

3 A. Uh-huh. Oh, yeah. Definitely one  
4 step.

5 Q. Because then you'd be -- you would be a  
6 full-time first assistant?

7 A. Yeah, one step closer.

8 Q. All right. And did Mr. San Miguel  
9 indicate that there were other people applying for  
10 the position?

11 A. He had said there was one more other  
12 person, but I don't recall who. But, I mean,  
13 that's all I was told.

14 Q. All right. And did you have to go  
15 through a formal interview for the job?

16 A. Not really. Because him -- not just  
17 Jaime, but Fred Sayre also said that -- I mean, "We  
18 already saw you work down here. We know how you  
19 are. We know your work performance." And then,  
20 basically, that was it. It was like I was handed  
21 the job.

22 Q. Okay. And how soon after that did you  
23 come to Juneau to work?

24 A. Oh, maybe less than a month, because I  
25 think I -- I gave my landlord the notice and told

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1 A. Jeff Smith.

2 Q. Okay. And when did you become engaged  
3 to him?

4 A. Oh, goodness.

5 Q. Approximately?

6 A. It was so long ago. 2002 -- three or  
7 four months -- it was, like, after he had moved out  
8 of the department, then that's when I became -- we  
9 were engaged. It was well after -- when he was out  
10 of the department.

11 Q. Okay. Well, let me say before you  
12 became engaged to Mr. San Miguel -- strike that.

13 Before you became engaged to  
14 Mr. Smith, were there complaints -- did  
15 Mr. San Miguel complain about the quality of your  
16 recoveries?

17 A. Yeah.

18 Q. Okay. Was there a change after you  
19 became engaged?

20 A. In -- a change in how he treated me?

21 Q. Yes.

22 A. Yes, there was.

23 Q. Okay. What was the change?

24 A. Like I said, anything I did wasn't done  
25 right or wasn't done good enough or up to his

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1 expectations, I guess, of what an apparel assistant  
2 manager should do, when I thought I was  
3 performing -- or getting better in the position I  
4 was in.

5 There was, I mean, just e-mails  
6 back and forth, either that or, you know, he'd  
7 either argue about maybe something that was going  
8 on on the floor. You know, he wanted it done this  
9 way. I thought it maybe should have been this way.

10 Q. Did --

11 A. You know, stuff like that, or . . .

12 Q. Was there a difference in the quality  
13 of your work?

14 A. From when?

15 Q. Was there anything happening in the  
16 quality of your work which would cause Mr. -- to  
17 your knowledge, cause Mr. San Miguel to suddenly  
18 become much more critical of you?

19 A. No, I don't think there was a  
20 difference at all.

21 Q. When you were trying to assess --

22 A. I was trying to do better.

23 Q. Okay. When you were trying to assess  
24 what was going on, what was happening, did you have  
25 any -- did you sort of reach an internal opinion as

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1 to why you were suddenly being treated in a much  
2 more critical fashion?

3 MR. DICKENS: Object to the form  
4 of the question.

5 A. Yes.

6 Q. Okay. And what was that?

7 MR. DICKENS: Same objection. Go  
8 ahead.

9 A. Well, I felt that because I was  
10 engaged, then he was treating me differently.

11 Q. Okay. And why would your engagement  
12 cause your supervisor to treat you differently?

13 MR. DICKENS: Same objection.

14 Calls for speculation.

15 A. I mean, I don't know. I mean, I don't  
16 think that he "liked me," liked me. I mean, I  
17 don't know if -- but I felt just because I was  
18 taken, that -- or I was engaged, then that was an  
19 issue. You know, maybe he was -- I don't know if  
20 he didn't like that or what. But . . .

21 Q. Okay. Now, had Mr. San Miguel been  
22 sending you lots of Office Vision e-mails, before  
23 you became engaged, critical of your management  
24 practices?

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25 A. Huh-uh. No. It was --

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1 Q. Is that a yes or no?

2 A. No. It was fine before.

3 Q. Okay.

4 A. Like there wasn't a lot of e-mails. It  
5 was more we were communicating like managers should  
6 communicate.

7 Q. After you became engaged, did that  
8 practice change?

9 A. Yes.

10 Q. Okay. And how did it change?

11 A. I constantly got Office Visions saying  
12 that things weren't done right. How come you  
13 didn't stay later? How come you -- I mean, just --  
14 I'm sorry. I can't pinpoint exactly what, but  
15 that's what -- I mean, that's what happened. And  
16 then he didn't think that I was doing my job when I  
17 thought I was still doing my job. So . . .

18 Q. Were you motivated to do a good job?

19 A. Oh, all the time.

20 Q. Okay. And did you make -- did you do  
21 the best job you possibly could?

22 A. I did.

23 Q. Okay. Now, as a result of these  
24 criticisms by Mr. San Miguel, did that change your  
25 employment relationship with Fred Meyer?

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